

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION DUE TO SOLE SOURCE REQUIREMENT

REQUIRED INFORMATION
1. FACILITY NUMBER-NAME- CITY, STATE: 437-Fargo VA HCS, Fargo, ND 58102
2. VISN OR PROGRAM ACTIVITY: 23
3. POC NAME AND TELEPHONE NUMBER: Darryl W. Moon, 701-239-3796
4. PROPOSED ACTION: Sole Source Procurement of SERVICE
<p>5. DESCRIPTION OF REQUIREMENT: Provide all labor, materials, equipment, etc necessary to complete VA project 437-12-150, Install Data and Phone Outlets for PACT and Telehealth in accordance with the contract documents. Work shall include, but shall not be limited to, adding data and communication wiring drops to outlets with 3 data and 1 communication outlet in one wall outlet box, and routing the conductors back to the telephone closets and IRM closets indicated on the project drawings. Work will involve providing new racks and patch panels as required to accommodate the new wiring and cables. All work shall be coordinated with the Fargo VA staff prior to beginning work.</p> <ul style="list-style-type: none"> Supplies/Equipment: Technical Characteristics can include, but are not limited to model, make, part number, color, size, quantity, delivery date, etc. Services: Refer to the statement of work, statement of objective, or performance work statement for your description.
<p>6. STATUTORY AUTHORITY PERMITTING OTHER THAN FULL AND OPEN COMPETITION: Authorized or required by Statute</p> <ul style="list-style-type: none"> FAR 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements FAR 8.405-6 Limited sources justification and approval FAR 13.106-1(B) SAP Requirements – Soliciting From a Single Source This is a reference to the part of the Federal Acquisition Regulation that allows an item to be purchased without being fully competed. This statement serves as a point of reference in case the justification is questioned. In this case, it would be reviewed for its relativity to this part of the Federal Acquisition Regulation.
<p>7. NATURE & BACKGROUND OF ACQUISITION TO JUSTIFY SOLE SOURCE: The Fargo VA Health Care System (HCS) has an immediate requirement to implement a national VA initiative to implement Telehealth care. The Fargo HCS encompasses the Fargo VA Medical Center along with all associated Community Based Outpatient Clinics (CBOCs). Numerous Telehealth Clinical Technicians (TCTs) have been hired to support the delivery of telehealth. These TCTs are in place, but cannot be fully utilized until such time as the infrastructure for the telehealth equipment is in place. As this initiative was quickly adapted, implementing the service element came to fruition prior to the infrastructure component. In order to minimize delay in providing veteran telehealth care, the VA intends to award this contract to MDM Construction. MDM has been selected for this project as they are an experienced healthcare facility construction contractor, and are currently on site at the Fargo VA HCS performing a data outlet installation job from a previously competed construction award. As such, they are immediately capable to begin performance under this project with the speed and efficiency required to meet the critical timeline required of this project. In addition to this justification, 38 U.S.C. 8127 & Public Law 109-461 provides authority to the Department of Veterans Affairs to engage in sole source acquisitions with Service Disabled Veteran Owned Small Businesses (SDVOSB) and Veteran Owned Small Businesses (VOSB).</p> <ul style="list-style-type: none"> Describe the minimum salient characteristics that will meet your needs. This is the area where you explain why no other vendor anywhere can supply this requirement for you. Acceptable reasons for "sole source" include (but are not limited to): bound by contract, technical order specification, warranty service, or regional standardization. If the reason for sole source is determined locally, offer what market research or clinical guidelines led to the decision. If this item is included in an allowance standard for War Reserve Materiel (WRM), cite the allowance standard, required source, and stock number for this item. NOTE FOR WRM

PURCHASES: The Defense Logistics Agency is your primary source for WRM equipment. Be sure to determine availability from a DLA item manager before contracting for WRM equipment. If DLA cannot meet your timelines for WRM equipment, your urgency may be further justification for other than full and open competition. See your Medical Logistics Flight Commander for more details.

8. PROVIDE INFORMATION SHOWING MARKET RESEARCH WAS CONDUCTED: **See paragraph 7**

- This justification is for why no other vendor anywhere can supply your item or service and still meet your needs. Your rationale for barring other vendors is crucial to your justification. If you already cited the statutory reason for a sole source, state, "See paragraph 7". If your rationale for a sole source purchase was determined locally, offer an explanation of the source selection process you went through to determine your sole source requirement. Unacceptable reasons include (but are not limited to) personal taste, good relationship with existing vendor, or one's comfort level with a particular vendor.
- Describe the similarities and differences in vendors for the product that you are aware of that could assist or prevent the purchaser from obtaining the best value for you. Be sure to name the vendors. This section will help the purchaser decide which vendors are available to purchase this item from. If market research was not conducted, state it AND the reason that there was no market research.

9. PRICE ANALYSIS "FAIR AND REASONABLE": **Proposal cost analysis will be performed by engineering and contract staff.**

- This section is mandatory. Do not leave this section blank. Even though this must be purchased from only one source, you must still obtain a quote from the vendor for this purchase. This way you are able to verify added costs for delivery, your geographic region, or installation. Cite the pricing here. If you purchased this item before, compare this price to what you paid last time. Cite this here as well.

10. LISTING OF SOURCES EXPRESSING INTEREST IN THIS REQUIREMENT: MDM CONSTRUCTION, 4973 38TH AVE S, FARGO, ND 58104-8513, PH. 701-238-2273 (SDVOSB Verified)

- Enter or attach contact information for sources you cited in the description of your source selection. If sole source by statute, regulation, or standard, list contact information for that source here.

11. FUTURE ACTION TO OVERCOME BARRIER TO OTFOC: This is a unique, one-time requirement. The Fargo VA HCS rarely, if ever awards construction projects on a sole source basis. Future requirements will continue to be forecasted to allow timely solicitation on a competitive basis. The Source for this purchase is 38 U.S.C. 8127 & Public Law 109-461.

- This section fulfills the legal requirement to affirm that the selection of a singular source for this requirement is an anomaly and that action will be taken in the future to ensure full competition in the future. The reason this is needed is to describe how the government will make an effort in the future to fully comply with standard acquisition practices and not resort to creating unnecessary partnerships with few vendors at the risk barring full competition to circumvent the FAR. By signing this, you are telling the contracting officer to avoid the processes that assure best value and fairness in this acquisition. If the reason for sole source purchase is because of statute, standard, or regulation, enter "THE SOURCE FOR THIS PURCHASE IS REQUIRED IAW [cite the standard here]."

SUBMITTED BY:

Signature: 

Department/Requestor

Date: 3/28/2012

SIGNED BY:

Signature: 

Warranted Contracting Officer

Date: 3/28/12

APPROVED BY:

Signature: _____

A handwritten signature in black ink, appearing to be "J. D. Smith", written over a horizontal line.

NCM or Product Line Supervisor

Date: _____

3/28/2012

Note: Anything that is over 500K will need to strictly follow the SOP J&A Attachment.